

Reply to Office Action of July 6, 2005

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-9 are now present in this application. The claims have not been amended. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

Informalities

It is noted that the Office Action mailed July 6th, 2006 failed to acknowledge the drawings and claim for priority filed on February 4, 2004. Applicants respectfully request that the same are acknowledged in the next Office Action.

Information Disclosure Statement

It has been indicated that the listing of references in the specification represents an improper information disclosure statement and, thus, said references have not been considered by the Office. A proper Information Disclosure Statement is submitted on even date herewith. Applicants respectfully request that the references be considered and made of record.

Double Patenting

Claims 1-9 stand provisionally rejected under the judicially created doctrine of double patenting over claims 1, 5-10 and 13-15 of copending application Serial No. 10/771,229. This rejection is respectfully traversed.

Reply to Office Action of July 6, 2005

Initially, it is noted that the obviousness-type double patenting rejection is merely "provisional" at this stage. According to MPEP §804 I.B., if this is the only issue remaining in this application, the claims in this application should be allowed without the filing of a Terminal Disclaimer. The Terminal Disclaimer could then be required in the related application. Since neither of the involved applications has been allowed at the present time, it is respectfully submitted that it is not necessary to file a Terminal Disclaimer at this time. Nevertheless, in order to facilitate prompt allowance of this application, enclosed herewith is a Terminal Disclaimer which disclaims the terminal part of the patent which issues on the present application which would extend beyond the terminal part of any patent issuing from Application No. 10/771,229.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey, Reg. No. 32,881 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/770,511

Docket No.: 4670-0102P

Reply to Office Action of July 6, 2005

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: Oct. 31, 2006

Respectfully submitted,

By 

John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Enclosure: Terminal Disclaimer